

## **REMARKS**

The basis for the amendment to claim 1 may be found at page 13 lines 11-17.

In response to the Amendment after Final filed November 9, 2004, the Examiner indicated that the rejection of paragraph 4 would be withdrawn. Additionally, the Examiner commented "The topmost formed image is preferably considered to be a protective overcoat without image dye on page 13, lines 12-17, of specification. Therefore, the claims are not clearly limited to the ink being in a layer containing coupler formed image dye." The claims herewith submitted are limited such that the printing ink is indicated as placed onto the upper layer of said photographic article, not in the layer with dyes formed by couplers. This is consistent with the disclosure at page 13 lines 12-17 pointed out by the Examiner.

In paragraph 2 the Final Rejection claims 1, 2, 4-9, 13-20, and 26-29 stand rejected under 35 USC 102 as anticipated by or in the alternative under 35 USC 103 as obvious over Aylward et al. for the reasons set forth in paragraph 3 of the first Office Action of April 9, 2004. In paragraph 3 of the previous Office Action the Examiner states that Aylward et al. discloses laminating a sheet with a pattern over a dye image formed from couplers in a photographic element. The pattern may be applied with pen or inkjet. The photographic elements may also contain printed patterns of colored microdots. The Examiner states that if Aylward et al. does not anticipate the instant claims that it would at least be obvious to one skilled in the art to use ink print patterns and sheets as disclosed in Aylward et al. for applying over dye images. This rejection is respectfully traversed.

Aylward et al. discloses imaging element having adhered to the backside a strippable polymer layer that when removed has an adhesive layer thereon. The strippable sheet is disclosed as possibly having a pattern thereon. Aylward et al. also discloses the use of previously exposed microdot patterns to prevent copying or for identification of the print. The instant invention as claimed relates to a photographic image that is overprinted in registration with a printing ink that mordants to the image. Neither of the techniques disclosed by Aylward et al. produces the claimed invention. Therefore, Aylward et al. is not anticipatory of the instant invention. Further, the invention as claimed is not obvious from

Aylward. There is no disclosure or suggestion of the printing of an area on a photographic image, in registration with the image. The systems of Aylward et al. are such that the printing takes place prior to image development. In contrast, the instant invention ink overprints the photographic image in registration with the photographic image. Such a process is not disclosed or suggested by Aylward et al. Therefore, it is respectfully requested that this rejection be reconsidered and withdrawn.

The Examiner states in paragraph 2 of the Final Rejection that the applicant's argument that Aylward et al. does not disclose printing on photographic image in registration with the images unconvincing. The Examiner states that the printed image areas in the image elements of Aylward et al. are over the dye images formed from couplers and are in registration therewith. The Examiner states there is no requirement in the instant claims that said printing to be in or on the same layer of the element containing the dye image. The applicant urges that the limitation to overprinting with printing inks would be a limitation that would separate the instant invention from the process of Aylward et al. However, the claims have now been even more limited such that printing ink mordants into the upper layer of said photographic image. It is further noted that the Aylward et al. reference at col. 3 lines 37-40 relates to printing on the backside of the member not onto the image. Therefore, it is respectfully requested that this rejection be reconsidered and withdrawn as the instant claims clearly require printing the ink on the layer of the element containing the image.

In paragraph 3 of the Final Rejection, claims 1-4, 4-8 and 13-19 stand rejected under 35 USC 103 as being unpatentable over the combination of Cannon and Wingender for the reasons set forth in paragraph 4 of the first Office Action. In paragraph 4 of the last Office Action the Examiner states that Hannon discloses ID cards comprising photographs laminated with printed patterns polymer sheets. The Examiner states that Wingender discloses that photographs, used in ID cards are color photographs formed from color couplers. The Examiner states it would be obvious to one skilled in the art to use color photographs formed from color couplers as the called for photographs in Hannon. Hannon is also stated to disclose printed areas adjacent the photograph of the person. This rejection is respectfully traversed.

Hannon et al. discloses a photographic ID card that may be over laminated with a printed pattern and also may have a printed pattern adjacent to the photograph. Wingender discloses the formation of an ID card which has a region of exposure with infrared radiation. There is no disclosure or suggestion of over printing of an earlier formed photographic image with ink printing. There is no disclosure suggestion to modify either the Wingarden or Hannon processes to reach the instant invention. There is no disclosure or suggestion in either reference of over printing with ink in registration with a photographic image. Therefore, it is respectfully requested that this rejection be reconsidered and withdrawn.

In response to the applicant's arguments concerning the previous rejection the Examiner states that the arguments are not convincing as to overprinting and the applicant specification page 13 includes printing on protective overcoats on silver halide emulsion layers. The Examiner states that the images in Cannon include photographic images with printing patterns over the images even though the patterns are not directly printed on the same layer containing the dye images. It is respectfully urged that the claims as now presented are limited to where the printing ink mordants into the upper layer of the photographic article. This would exclude separately printed layers stacked on photographic image such as is disclosed in Cannon. There's no disclosure suggestion to modify Cannon and Wingender to form an element that comprises a photographic image with printing that mordants into the upper layer of the photographic article. Therefore, it is respectfully requested that this rejection be reconsidered and withdrawn.

Therefore, it is respectfully requested that the rejections under 35 USC 102 and 35 USC 103 be reconsidered and withdrawn and that an early Notice of Allowance be issued in this application.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Paul A. Leipold", is written over a horizontal line.

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